UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICIA KONDRATOWICZ,   Case No. 08-12693

                                                Honorable Sean F. Cox
            Plaintiff,   United States District Judge

v.

NORTHWEST AIRLINES, INC.
RETIREMENT PLAN FOR UNION/
REPRESENTED EMPLOYEES
(41-0449230-004), and NORTHWEST
AIRLINES, INC., jointly and severally,

            Defendants.
_____/

ORDER REGARDING SUPPLEMENTAL BRIEFING

        Plaintiff filed her Complaint [Doc. No. 1] in this case on June 23, 2008. On May 26,

2009, Magistrate Judge Mona K. Majzoub issued a Report & Recommendation [Doc. No. 41],

recommending that the Court affirm the plan administrator's denial of benefits to the Plaintiff.

Plaintiff timely filed an objection to the Magistrate's Report & Recommendation [*See* Doc. No.

42], to which the Defendants filed a response brief in support of the Magistrate's Report &

Recommendation [*See* Doc. No. 43]. The matter is currently pending before the Court.

        On August 13, 2009, Plaintiff filed a "Motion to Amend Plaintiff's Brief" [Doc. No. 44],

arguing that since the time Plaintiff filed her objection to the Magistrate's Report and

Recommendation, the Sixth Circuit Court of Appeals reviewed and amended the "arbitrary and

capricious" standard in evaluating a plan administrator's determination to deny benefits.

        Accordingly, the Court will allow the Defendants, if they so choose, to file a

supplemental brief addressing Plaintiff's arguments in her "Motion to Amend Plaintiff's Brief."

[Doc. No. 44]. Defendants' supplemental brief must be filed, if at all, **no later than Friday,**

August 28, 2009, must be no more than five (5) pages in length, and may only address

arguments specifically raised in Plaintiff's "Motion to Amend Plaintiff's Brief" [Doc. No.

44].

       IT IS SO ORDERED.

                 S/Sean F. Cox
                 Sean F. Cox
                 United States District Judge

Dated: August 14, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on
August 14, 2009, by electronic and/or ordinary mail.

                 S/Jennifer Hernandez
                 Case Manager